

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In Re:

Victor Frejas Evangelista and Ma Sonette
Evangelista,

Debtors

Ma Sonette Evangelista,

Appellant

v.

Jean Chun-Yi Lee,

Appellee

Case No. 2:23-cv-00549-CDS

Bankruptcy Case No.: 20-15773-nmc
Adv. Proc. No. 21-01003-nmc

**Order Discharging Order to Show Cause,
Granting Withdrawal of Bankruptcy
Appeal, and Closing Case**

On December 29, 2023, I ordered appellant Ma Sonette Evangelista to either (1) show cause why this case should not be dismissed for lack of prosecution; or (2) to comply with Federal Rules of Bankruptcy Procedure 8003 and 8009, by January 31, 2024. ECF No. 4. Evangelista was warned that failure to respond to the show-cause order or failure to comply with the applicable rules would result in the dismissal of the appeal. *Id.*; *see also* Fed. R. Bankr. P. 8003 (explaining that an appellant's failure to follow the procedures for filing an appeal is ground for "dismissing the appeal").

I. Discussion

In response to the order to show cause, Evangelista, with the understanding that voluntarily abandoning the appeal will result in its dismissal, moved to withdraw it. ECF No. 5. He indicates that he does not feel capable of proceeding in this action pro se and cannot afford to hire an attorney to represent him. *Id.* Because appellant's appeal is not properly before the court, it is dismissed on procedural grounds.

1 **II. Conclusion**

2 IT IS THEREFORE ORDERED that the order to show cause [ECF No. 4] is
3 **DISCHARGED.**

4 IT IS FURTHER ORDERED that appellant's motion to withdraw the appeal
5 [ECF No. 5] is **GRANTED.**

6 IT IS FURTHER ORDERED that the appeal [ECF No. 1] is **DISMISSED** without
7 **prejudice.** The Clerk of Court is kindly instructed to close this case.

8 Dated: February 5, 2024

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11 Cristina D. Silva
12 United States District Judge
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